

The Report and Recommendation (ECF No. 19) filed on July 26, 2013, recommended that Commissioner's Motion for Summary Judgment (ECF No. 16) be denied; Plaintiff's Motion for Summary Judgment (ECF No. 13) be denied to the extent it requests that judgment be entered in favor of Plaintiff, and be granted to the extent it requests remand and that the decision of the ALJ be vacated and remanded for further consideration consistent with this opinion. Service was made on all counsel of record. The parties were informed that, in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, they

had fourteen (14) days to file written objections to the Report and Recommendation. No Objections have been filed to the Report and Recommendation.

After review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 16th day of August, 2013,

IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment (ECF No. 16) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 13) is **DENIED IN PART AND GRANTED IN PART**. Plaintiff's Motion for Summary Judgment is **DENIED** to the extent that it requests that judgment be entered in favor of Plaintiff and **GRANTED** to the extent that it requests remand and that the decision of the ALJ be vacated and Remanded for further consideration consistent with this Court's opinion.

IT IS FURTHER ORDERED that the decision of the ALJ is **VACATED** and this case is **REMANDED** forthwith to the ALJ for further consideration consistent with this Court's opinion. On remand, the ALJ shall fully develop the record and explain [his or her] findings... to ensure that the parties have an opportunity to be heard on the remanded issues and prevent post hoc rationalization" by the ALJ. *Thomas v. Comm'r of Soc. Sec.*, 625 F. 3d 798, 800 – 01 (3d Cir. 2010). *See also Ambrosini v. Astrue*, 727 F. Supp. 2d 414, 432 (W.D. Pa. 2010). Testimony need not be taken, but the parties should be permitted input via submissions to the ALJ. *Id.* at 801 n. 2.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lenihan (ECF No. 19) is adopted as the opinion of the Court.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
Cynthia C. Berger, Esquire
Christy Wiegand, Esquire

(Via CM/ECF Electronic Mail)